

CONGRESSIONAL RECORD SUMMARY

Monday, June 25, 2001

SENATE

S. 1052. Patients' Bill of Rights:

Senate continued consideration of S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage, taking action on the following amendments proposed thereto:

Pages S 6835-44, S 6845-60, D 626

"... This bill as structured has massive liability for employers. They can be sued in the **Federal court** or in the State court, which is really ironic. [] There is a new **private cause of action** that accrues against the employer for not sending the proper forms or for not informing you or for not sending you the right magazine. For anything that is under HIPAA or anything under COBRA or anything that is under ERISA, they are suddenly liable as the employer under this bill. They are brought in under this bill, and they are liable. There are 200 new causes of action..." (Gregg, Page S 6837)

"...First, on the issue of forum shopping, cases going to State court, I say to my colleague from New Hampshire, he should see what the **Chief Justice of the U.S. Supreme Court**, by way of the **Judicial Conference of the United States**, which the Chief Justice heads, said about this issue. He specifically said in a written letter dated March 3, 2000: 'The **Judicial Conference** urges Congress to provide that, in any managed care legislation agreed upon, the state courts be the primary forum for the resolution of personal injury claims arising from the denial of health care benefits...' What we have done in our bill is exactly what the **Judicial Conference of the United States** has said should be done. We have done what the American Bar Association says should be done; we have done what the Attorneys General of the United States say should be done; and we have done what the **U.S. Supreme Court** said, in the Pegram decision, should be done..." (Edwards, Pages H 6838-9)

Pending:

Frist (for Grassley) Motion to Commit to the Committee on Finance and the Committee on Health, Education, Labor and Pensions with instructions to report back not later than that date that is 14 days after the date on which this motion is adopted.

Pages S 6835, D 626

Gramm Amendment No. 810, to exempt employers from certain causes of action.

Pages S 6835, S 6845-56, D 626

Edwards (for McCain/Edwards) Amendment No. 812, to express the Sense of the Senate with regard to the selection of independent review organizations.

Pages S 6856-60, D 626

By prior unanimous-consent, **Senate will continue consideration** of the bill at 9:30 a.m., on Tuesday, June 26, 2001, and that there be 2 hours for debate in relation to the **Frist (for Grassley) Motion** to Commit and the **Gramm Amendment No. 810** (both listed above), with a vote to occur on or in relation to the **Frist (for Grassley) Motion** to Commit at 11:30 a.m., followed by a vote on or in relation to **Gramm Amendment No. 810**.

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Nominations Received--Correction:

Received on Friday, June 22, 2001 (This list should replace the list that incorrectly appeared as Nominations Confirmed on Page D 618):

Richard R. Clifton, of Hawaii, to be **United States Circuit Judge** for the Ninth Circuit, vice Cynthia Holcomb Hall, retired.

Carolyn B. Kuhl, of California, to be **United States Circuit Judge** for the Ninth Circuit, vice James R. Browning, retired.

Pages S 6831, D 626

Committee Meetings For Tuesday, June 26, 2001:

Committee on Appropriations: @ 11:00 a.m. Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2002 for the Architect of the Capitol. SD-124.

Committee on the Judiciary: @ 10:00 a.m. *Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine concerns of ideology relative to the judicial nominations of 2001.* SD- 226.

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Committee Meetings Scheduled:

Committee on the Judiciary, 6/27/01 @ 10:00 a.m. *To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.* SD-226.

Committee on the Budget, 6/28/01 @ 10:00 a.m. To hold hearings to examine the status of the budget surplus. SD-608.

Page E 1196

Committee on Governmental Affairs, 7/11/01 @ 9:30 a.m. *To hold hearings on S.803, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services.* SD-342.

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HOUSE

Bills Introduced:

H.R. 2304. A bill to provide that Federal reserve banks and the Board of Governors of the Federal Reserve System be covered under *chapter 71 of title 5, United States Code*, relating to labor-management relations; to the Committee on Government Reform.

Maloney

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H.R. 2305. A bill to *require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia* to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes; to the Committee on Government Reform.

Morella

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Bills Introduced (Cont'd.):

H.R. 2307. A bill to *establish the National Commission on Budget Concepts*; to the Committee on the

Budget.

Radanovich

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H.R. 2308. *A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974* to allow investments by certain retirement plans in principal residences of children and grandchildren of participants who are first-time home buyers; to the Committee on Ways and Means.

Watkins

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H. Res. 178. A resolution providing for consideration of the bill (**H.R. 2299**) making appropriations for the Department of Transportation and related agencies for the fiscal year ending 2002, and for other purposes.

Reynolds

Page H 3519

Reports Filed:

Reports were filed as follows:

Filed on Friday, June 22, H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 (House Report 107-108);

H. Res. 178, *providing for consideration of H.R. 2299,* making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002 (House Report 107-110).

Pages H 3518, D 627

Committee Meeting:

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on **H.R. 2299**, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002. The rule waives all points of order against consideration of the bill. The rule provides that the bill shall be considered for amendment by paragraph. The rule waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) against provisions in the bill except as otherwise specified in the rule. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

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Committee Meetings For Tuesday, June 26, 2001:

Committee on Appropriations, @ 11:00 a.m., 11:30 a.m. & 12:00 p.m. Subcommittee on Legislative, on the GPO, on the GAO, and on the CBO. H-140 Capitol.

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Committee on the Judiciary, @ 10:00 a.m. To mark up the following bills: **H.R. 2137, *Criminal Law Technical Amendments Act of 2001***; and **H.R. 1892, Family Sponsor Immigration Act of 2001.** 2141 Rayburn.

Committee on the Judiciary, @ 2:30 p.m. Subcommittee on Commercial and Administrative Law, hearing on the following bills: **H.R. 1552, Internet Tax Nondiscrimination Act**; and **H.R. 1675, Internet Tax Nondiscrimination Act.** 2141 Rayburn.

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Committee Meetings For Tuesday, June 26, 2001 (Cont'd.):

Committee on Science, @ 10:00 a.m. Subcommittee on Research, hearing on Reinventing the Internet: Promoting Innovation in IT. 2318 Rayburn.

Remarks:

Strong HMO Reform Needed.

*"... Again, the **Federal courts** have not always been the place where you can get real redress for insurance-type lawsuits. Even if an HMO is found guilty of wrongdoing in **Federal court**, they are only responsible for the cost of the care they denied. So, in other words, if you are not given appropriate treatment for cancer, and 6 months or a year later that HMO is found to have wrongfully denied treatment, then they go back and give you that cancer treatment. But, again, 6 months or a year later health care delayed is health care denied, and your cancer may grow. [] Some proponents of the Patients' Bill of Rights argue that patients do not need access to State courts if they are injured by their plan. They think **Federal courts** are the appropriate venue to resolve health coverage disputes, but legal experts disagree. The American Bar Association, **the National Judicial Conference**, the State attorneys general, and numerous **Federal judges** take the position that medical injury cases belong in State and not Federal court. Even Chief Justice William Rehnquist stated that, 'I have criticized Congress and Presidents for their propensity to enact more and more legislation which brings more and more cases to the Federal court system. Matters that can be adequately handled by States should be left to them.'..."*

Green

Pages H 3502-5

Patent Reexamination Enhancement Act Of 2001—H.R. 2231.

Lofgren

Pages E 1191-2

Next SENATE MEETING: Tuesday, 9:30 a.m., June 26, 2001.

Next HOUSE MEETING: Tuesday, 9:00 a.m., June 26, 2001.

OLA: S. Schwarz (Smith), J. Homanich